

REMARKS

This response is being filed within the statutory period for response, which is due to expire on June 3, 2006.

Claims 2-4 are currently pending in this case, none of which have been amended by this response.

The Examiner has provisionally rejected claims 2-4 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 9-11 of co-pending Application Ser. No. 10/191,572. The Examiner has further provisionally rejected claims 2 and 4 under the doctrine of obviousness-type double patenting over claim 2 of co-pending Application Ser. No. 10/359,406.

With regard to these rejections based on double patenting, applicants have filed herewith a terminal disclaimer under 37 C.F.R. § 1.321(c) with regard to co-pending application numbers 10/191,572 and 10/359,406. Applicants note that the present application and application numbers 10/191,572 and 10/359,571 are commonly owned, as is evidenced by the assignment documents attached to and referred to in the terminal disclaimer. Applicants submit that the presently filed terminal disclaimer is sufficient to fully overcome all of the Examiner's rejections.

In view of the foregoing and the terminal disclaimer being filed herewith, applicants believe that the Examiner's rejections have been fully overcome, and that each of pending claims 2-4 are in condition for allowance. Accordingly, applicants respectfully request that a notice of allowance be issued.

The Commissioner is hereby authorized to charge any fee due in conjunction with the attached terminal disclaimer, and any additional fee that may be due in connection with this response to deposit Account No. 10-0750/GYN-0090/MJS.

s/n 09/873,571

Should any minor points remain prior to issuance of a Notice of Allowance, the Examiner is requested to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

/Melissa J. Szanto/

Melissa J. Szanto
Attorney for the Applicants
Reg. No. 40,834

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-1365
DATED: May 8, 2006

s/n 09/873,571